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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,881	08/10/2004	Thomas R. Frederiksen JR.	OPT-009	4880
23701	7590	02/20/2008		
RAUSCHENBACH PATENT LAW GROUP, LLC			EXAMINER	
P.O. BOX 387			PHAN, HANH	
BEDFORD, MA 01730			ART UNIT	PAPER NUMBER
			2613	
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			02/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,881	Applicant(s) FREDERIKSEN ET AL.	
	Examiner Hanh Phan	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12,14,16-23,25,27-32,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12,14,16-23,25,27-32 and 34 is/are allowed.
- 6) ☒ Claim(s) 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 11/26/2007.
2. In the Amendment filed on 11/26/2007, Claim 35 is missing. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 35 is rejected under 35 U.S.C. 102(e) as being anticipated by Zhou (US Patent No. 6,985,020).

Regarding claim 35, referring to Figures 7 and 10-12, Zhou teaches an optical source comprising:

means for generating a first bias signal (i.e., a first bias input V-bias 310 of pre-distortion circuit 300, Figs. 7, 11 and 12) that related to second-order distortions generated during modulation (i.e., col. 3, lines 59-67 and see from col. 6, line 10 to col. 10, line 19);

means for generating a second bias signal (i.e., a second bias input V-bias 216 of pre-distortion circuit 200, Figs. 7, 11 and 12) that is related to third-order distortions generated during modulation (i.e., col. 3, lines 59-67 and see from col. 6, line 10 to col. 10, line 19);

means (i.e., pre-distortion circuits 200 and 300, Figs. 7, 11 and 12) for non-linearly processing an electrical modulation signal in response to both the first bias signal and the second bias signal to generate a pre-distorted modulation signal (i.e., col. 3, lines 59-67 and see from col. 6, line 10 to col. 10, line 19);

means for propagating the pre-distorted modulation signal through a transmission line to a modulation input of a laser, wherein an amplitude and a phase response of the pre-distorted modulation signal are substantially maintained along the transmission line (see Figs. 7, 11 and 12, col. 3, lines 59-67 and see from col. 6, line 10 to col. 10, line 19); and

means for modulating a laser with the pre-distorted modulation signal to generate a modulated optical signal, wherein the pre-distorted modulation signal causes at least some vector cancellation of both the second order and the third order distortion signals generated during modulation (see Figs. 7, 11 and 12, col. 3, lines 59-67 and see from col. 6, line 10 to col. 10, line 19).

Allowable Subject Matter

5. Claims 1-12, 14, 16-23, 25, 27-32 and 34 are allowed.

Response to Arguments

6. Applicant's arguments filed 11/26/2007 have been fully considered but they are not persuasive.

The applicant's arguments to claim 35 are not persuasive because Claim 35 is missing.

Therefore, the rejection for Claim 35 is still maintained.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


HANH PHAN
PRIMARY EXAMINER